Early in 1995, Australia participated in an international conference which drew up the Convention on Piracy. The Convention created offences relating to the robbery of ships and boats in national and international waters.

A Prevention of Piracy Bill is introduced into the House of Representatives and, in the course of the second reading speech to the Bill, the Minister states as follows:

"The Prevention of Piracy Bill will apply to pirates who cannot at present be reached by existing law."

The Commonwealth Parliament subsequently enacts the Prevention of Piracy Act 1996 ("Act"), the long title of which is "An Act to deal with robbery of ships and boats in national and international waters." The Act receives the Royal Assent on 1 July 1996.

The Act includes the following provisions:

**Possession of weapons on ships**

4. Any person (other than an officer or crew member or a ship protection officer) who possesses on board any ship, boat, ferry or any other transport whatsoever, any firearm, ammunition, weapon or explosive substance, shall be guilty of an offence punishable by 7 years' imprisonment.

**Diversion of Ship**

5. Any person who causes to be diverted or attempts to cause to be diverted a ship from its scheduled course shall be guilty of an offence punishable by life imprisonment.

**Obligation to issue licences**

6. If any person applies to become a ship protection officer, the Registrar of Ship Protection Officers, if satisfied that the applicant is a fit and proper person to be a ship protection officer, may issue the applicant with a ship protection officer's licence.
Appointment of Registrar of Ship Protection Officers

7. (1) A Registrar of Ship Protection Officers shall be appointed by the Governor-General.

(2) A person appointed under sub-section (1) shall hold office for such period as is specified in the instrument of appointment.

On 30 July 1996, Howard, who is an amateur spearfisherman, is a passenger on a train which is stopped by Federal Police at Bowral, New South Wales. He is found to have a speargun in his possession.

On 5 August 1996, a container ship is diverted from its scheduled course between Melbourne and Brisbane by a storm and radio contact with the land is lost. Before the captain can resume radio contact, Patricia, a cabin girl, unsuccessfully attempts to force the captain to steer the ship into Sydney Harbour.

Howard is charged with an offence under s 4 of the Act and Patricia with an offence under s 5.

Assuming the Act is within the constitutional power of the Commonwealth, using the relevant rules of statutory interpretation, advise Howard and Patricia on all the legal issues involved.